

**REMARKS**

The present application stands with pending claims 1-28, where only claims 1 and 28 are independent.

As a preliminary matter, Applicants thank the Examiner for allowable subject matter in claims 3 and 26-27.

Claim 24 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite due to an informality, namely an improper method/apparatus claim combination.. In response, Applicants amended claim 24 to place it in proper “method” claim format. Accordingly, Applicants respectfully request that the §112 rejection of claim 24 be withdrawn.

Claims 1, 4, 6-8,-11-13, 16,21-24 and 28 stand rejected under 35 U.S.C. §102(e) as being anticipated by LeVander (U.S. 6,216,108). In response, Applicants respectfully traverse because LeVander does not disclose or suggest an operator independent method of task time measurement and a task cost independent of the efficiency of the human operator as now recited in claims 1 and 28.

The Examiner continues to use an unreasonably broad definition of “operator independent” than the definition used here and understood by one skilled in the art, which is improper. Nevertheless, to appease the Examiner and to expedite prosecution Applicants amended claims 1 and 28 to more clearly recite this definition. Particularly, as now recited in claims 1 and 28, “an operator independent method of task time measurement” is “based on independently timing each motion in a procession of motions required to perform said task without timing from a beginning of said task to an end of said task a human performing said task.”

As mentioned in the previous Amendment, and in stark contrast to the present invention, LeVander discloses the use of historical data or industry standards (See col. 4, lines 5-6; col. 8, line 22; col. 9, lines 2-3), which refers to measurement of the time it takes an operator to complete a process (work time measurement) as is well known in business and construction industries. Since the basis of these measurements is the timing of a particular individual or group of individuals to complete a process, the methods referred to are only operator dependent, despite the way the Examiner is broadly defining it.

LeVander does not disclose or suggest a timing method that breaks down the projects into the actual individual motions of a human for a specific job or task. LeVander merely discloses operator dependent timing methods that cannot be as accurate as the operator independent time measurement methods. See, e.g., col. 4, lines 5-6. Since LeVander does not disclose or suggest operator independent methods as recited in claims 1 and 28, LeVander does not disclose all of the features of claims 1 and 28. For this reason, Applicants respectfully request that the §102(e) rejection of claims 1 and 28, and the depending claims 4, 6-8,-11-13, 16,21-24, be withdrawn.

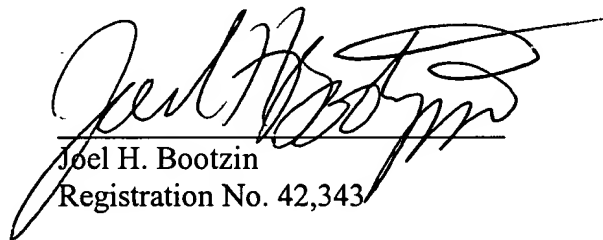
Claims 2 and 14 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Isherwood (U.S. 5,918,219). Claims 5 and 25 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Conway (U.S. 5,732,401). Claims 15, 17-20 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Dangat et al. (U.S. 6,216,108). Finally, claims 9 and 10 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Nick (U.S. 6,009,406).

In response, to all of these section 103 obviousness rejections, Applicants respectfully traverse, repeat the arguments from above regarding LeVander and further assert that none of the cited references, alone or in combination, disclose or suggest an operator independent method of

task time measurement as now recited in claims 1 and 28. No indication whatsoever is given in any of these references that motions are timed separately and later totaled together to obtain the time of a task. For this reason, Applicants submit that the §103 rejection of claim 2, 5, 9, 10, 14-15, 17-20 and 25 based on LeVander in view of other references has been overcome and respectfully request that the §103 rejection of these claims be withdrawn.

For the foregoing reasons, Applicants respectfully request consideration and allowance of all pending claims. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,



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